

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

EVERLIGHT ELECTRONICS CO., LTD., )  
and EMCORE CORPORATION, )

Plaintiffs, )

vs. )

NICHIA CORPORATION, and NICHIA )  
AMERICA CORPORATION, )

Defendants, Counter-Plaintiffs, )

vs. )

EVERLIGHT ELECTRONICS CO., LTD., )  
EMCORE CORPORATION, and )  
EVERLIGHT AMERICAS, INC., )

Counter-Defendants, Defendant. )

Civil Action No. 4:12-cv-11758

Hon. Gershwin A. Drain

**NICHIA’S MOTION FOR  
JUDGMENT AS A MATTER OF LAW OF INFRINGEMENT**

In accordance with Rule 50(b) of the Federal Rules of Civil Procedure, Nichia Corporation and Nichia America Corporation (collectively, “Nichia”) hereby respectfully move that this Court amend the portion of the Judgment (Dkt. # 524) finding that claims 2, 3 and 5 of U.S. Patent No. 5,998,925 (“the ‘925 Patent”) and claims 2, 14, and 19 of U.S. Patent No. 7,531,960 (“the ‘960 Patent”) are not infringed, and instead grant judgment as a matter of law finding that claims 2, 3 and 5 of the ‘925 Patent and claims 2, 14, and 19 of the ‘960 Patent are infringed by Everlight Electronics Co., Ltd. and Everlight Americas, Inc. (collectively, “Everlight”).

Specifically, Nichia moves that the Court enter judgment as a matter of law on the following infringement issues in Nichia’s favor: (1) that Everlight’s accused products infringe, either literally or under the Doctrine of Equivalents, claims 2, 3 and 5 of the ‘925 Patent and claims 2, 14, and 19 of the ‘960 Patent as outlined in Prof. Schubert’s Analysis Chart (D-182), (2) that Everlight’s YAG-based products literally infringe claims 2 and 3 of the ‘925 Patent, and (3) that Everlight’s TAG-based products infringe claims 2 and 3 of the ‘925 Patent under of the Doctrine of Equivalents.

For the reasons set forth in more detail in the accompanying supporting brief and exhibits, Nichia respectfully requests that its Motion be granted.

<p>Respectfully submitted,</p> <p>Foley &amp; Lardner LLP  By: <u>/s/ Steven J. Rizzi</u>  John R. Trentacosta (P31856)  Irina Kashcheyeva (P72575)  500 Woodward, Suite 2700  Detroit, MI 48226-3489  Telephone: (313) 234-7100  jtrentacosta@foley.com</p>	<p>Dated: May 20, 2015</p> <p>Lisa S. Mankofsky  3000 K St. N.W., Ste. 600  Washington, DC 20007  Phone: 202-672-5300  Fax: 202-672-5399  mkaminski@foley.com</p>	<p>Steven J. Rizzi  90 Park Avenue  New York, NY  10016  Phone: 212-682-7474  Fax: 212-687-2329  srizzi@foley.com</p>
<p><i>Attorneys for Defendants Nichia Corporation and Nichia America Corporation</i></p>		